

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with ATTORNEY KEVIN BOLAND on 1/6/2011

The application has been amended as follows:

In CLAIM 3, after the last word of the claim, insert the following:

wherein the amount of the bifenthrin in the composition is equal to from 0.001% by weight to 0.12% by weight of the formulation and the amount of the acetamiprid is equal to from 0.001% by weight to 0.20% by weight of the formulation.

In CLAIM 8, change the dependency from 13 to 3.

CANCEL CLAIM 13.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: Examiner finds The closest prior art, is considered to be WRIGHT, WO 2004/064517, showing compositions of bifenthrin with acetamiprid to control termites.

No other application is suggested for the instant methods as now claimed, & supported with examples showing unexpected results against the tested insects of the independent claim. Examiner finds no anticipation or suggestion in the prior art to practice the invention as now claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NEIL LEVY whose telephone number is 571-272-0619. The examiner can normally be reached on Tuesday-Friday, 7 AM to 5:30 PM EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ROBERT A. WAX can be reached on 571-272-0623. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1615

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ NEIL LEVY/
Primary Examiner, Art Unit 1615

1/6/2011